tacrine, velnacrine, somatomedines, protirelin, and an immunoglobulin.

24. (Amended) The composition according to claim 18, wherein the degenerative disease is selected from the group consisting of Alzheimers' disease, Parkinson's disease, apoplectic fit and amyotrophic lateral sclerosis.

25. (Amended) The composition according to claim 18, wherein the degenerative disease is Alzheimers' disease.

26. (Amended) The composition according to claim 18, wherein the degenerative disease is Parkinson's disease.

27. (Amended) The composition according to claim 18, wherein the degenerative disease is apoplectic fit.

28. (Amended) The composition according to claim 18, wherein the degenerative disease is amyotrophic lateral sclerosis.

REMARKS

Applicants have cancelled claim 21, without prejudice, and reserves the right to prosecute the subject matter of the cancelled claim in any future application claiming benefit or priority herefrom under 35 U.S.C. § 120. After this cancellation, claims 12, 16-20 and 22-29 are pending. See Exhibit B.

Applicants have amended claims 12 and 18 to recite that the pharmaceutical composition comprises an N-acyl derivative of a D- or L-tryptophanylester, and a pharmaceutically acceptable carrier in combination with a second

therapeutic compound. Support for this amendment appears in the specification, for example, on page 7, lines 23-34 and in former claim 21.

Applicants have amended claim 17 to clarify that the N-acyl derivative is selected from the group consisting of N-dodecanoyl-tryptophanethyl-ester.

Applicants have amended claims 22 and 23 to depend from claim 18, rather than from cancelled claim 21.

Applicants have also amended claim 23 to no longer recite lecithin and immunosupressive.

Applicants have further amended claims 24-28 to depend from claim 18, rather than from cancelled claim 21.

The amendments presented herein do not constitute new matter.

35 U.S.C. § 112, 2nd paragraph: Claims 17 and 23

The Examiner has rejected claims 17 and 23 under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner contends that the expression "N-acyl derivative is an N-acetyl derivative and is selected from the group consisting of N-dodecanoyl-tryptophanethyl-ester" in claim 17 renders the claim indefinite because it is not possible for a compound to be a N-acetyl derivative and a N-dodecanoyl compound at the same time. The Examiner asserts that the phrase "N-acetyl derivative" renders claim 17 indefinite because it is unclear what compounds are encompassed by the phrase "N-acetyl

derivative." The Examiner further asserts that the term "immunosuppressive" in claim 23 is indefinite as to what compounds are encompassed by the claim.

Applicants have amended claim 17 to recite that the N-acyl derivative is selected from the group consisting of N-dodecanoyl-tryptophanethyl-ester. The limitation "N-dodecanoyl" recited in dependent claim 17 refer to compounds in base claim 12 with the formulation: $N\text{-}C(O)R_1$, wherein R_1 is a saturated $C_1\text{-}C_{18}$ hydrocarbon. The limitation "N-dodecanoyl" is covered in the case in which R_1 = a saturated C_{12} hydrocarbon. Thus, the limitation "N-dodecanoyl" recited in amended claim 17 is clearly supported by claim 12, from which it depends.

Applicants have also amended claim 23 to delete the term "immunosuppressive", thus obviating the Examiner's rejection.

35 U.S.C. § 102(b)

Claim 29: Kathawala

The Examiner has rejected claim 29 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent 4,448,785 ("Kathawala"). According to the Examiner, Kathawala teaches a tryptophanyl-ester where the R_1 can be a C8 moiety. Applicants respectfully traverse.

Kathawala discloses various unsaturated fatty acid amides of tryptophan derivatives which are useful as anti-atherosclerotic agents. Specifically, the unsaturated fatty

acid amides of tryptophan derivatives disclosed in Kathawala have the structure represented by formula I (see col. 1, lines 16-48). The Examiner points to col. 2, line 65 to col. 3, line 49, as well as claims 1 and 15 of Kathawala as support for the proposition that Kathawala teaches a tryptophanyl-ester where the R_1 can be a C8 moiety. However, Kathawala at col. 2, line 65 to col. 3, line 49, merely describes N-acyl tryptophan compounds represented by the formula I, wherein A is the residue of an unsaturated long-chain fatty acid having from 8 to 24 hydrocarbons and from 1 to 4 ethylenically unsaturated positions.

In contrast, claim 29 recites a pharmaceutical composition comprising a D- or L-tryptophanyl-ester selected from the group consisting of tryptophanoctyl-ester, tryptophanstearyl-ester, tryptophanpalmityl-ester and tryptophanoleyl-ester. These pharmaceutical compositions are distinct from those disclosed in Kathawala in that they are D- or L-tryptophanyl-esters, rather than N-acyl tryptophan derivatives. Thus, Kathawala does not render the claimed invention anticipated.

35 U.S.C. § 103

Claims 12 and 16-29: Yarger in view of Rampone

The Examiner has rejected claims 12 and 16-29 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,190,782 ("Yarger") in view of Rampone et al., Journal of Lipid Research,

22:744-752 (1981) ("Rampone"). Specifically, the Examiner asserts that Yarger teaches N-acylated amino compounds, including the herein claimed compounds, be formulated in a dietary and pharmaceutical compositions intended to be used to reduce calorie intake and fat absorption. However, the Examiner states that Yarger does not expressly teach that the tryptophan derivatives herein be formulated into a composition or the incorporation of a second therapeutic agent, such as lecithin, into the composition. However, the Examiner asserts that Rampone teaches that lecithin is useful for reducing cholesterol absorption and that it would have been obvious and that one skill in the art would have been motivated to employ the tryptophan compounds into a composition and to incorporate a second therapeutic agent, such as lecithin, into the composition of Yarger. Applicants respectfully traverse.

Applicants have rendered the rejection of claim 21 moot by its cancellation herein. Applicants have amended claim 12 (and its dependent claims 16, 17, 22 and 23) to recite N-acyl derivatives of a D- or L-tryptophanyl-esters having a specific chemical structure and a pharmaceutically acceptable carrier in combination with second therapeutic compound. Similarly, amended claim 18 (and its dependent claims 19, 20 and 22-28) recite N-acyl derivatives of a D- or L-tryptophanyl-ester having a specific chemical structure and a pharmaceutically acceptable carrier in combination with a second therapeutic compound. Applicants have further amended claim 23, which depends from

claim 12 or 18, to specify that the second therapeutic compound is selected from a group of compounds which no longer recites lecithin.

Yarger does not teach or even suggest N-acyl derivatives of a D- or L-tryptophanyl-ester and a pharmaceutically acceptable carrier in combination with a second therapeutic compound, as required in amended claims 12 and 18 (and its dependent claims 16, 17, 19, 20 and 22-28). Rampone, which is cited for teaching that incorporation of a second therapeutic agent, such as lecithin, is useful for reducing cholesterol absorption, does not remedy this deficiency. As amended, claim 23, which depends from claim 12 or 18, no longer recites lecithin as a second therapeutic compound. Thus, neither Yarger nor Rampone, either alone or in combination, renders claims 12 and 18 (and its dependent claims) obvious.

Claim 29 recites a pharmaceutical composition comprising a D- or L-tryptophanyl-ester selected from the group consisting of tryptophanoctyl-ester, tryptophanstearyl-ester, tryptophanpalmityl-ester and tryptophanoleyl-ester. These pharmaceutical compositions are distinct from those disclosed in Yarger in that they are D- or L-tryptophanyl-esters rather than N-acylated amino compounds. Yarger does not teach or even suggest D- or L-tryptophanyl-esters selected from the group consisting of tryptophanoctyl-ester, tryptophanstearyl-ester, tryptophanpalmityl-ester and tryptophanoleyl-ester, as required in claim 29. Rampone, which is cited for teaching that

incorporation of a second therapeutic agent, such as lecithin, is useful for reducing cholesterol absorption, does not remedy this deficiency. Thus, neither Yarger nor Rampone, either alone or together, renders claim 29 obvious.

CONCLUSION

In view of the foregoing amendments and remarks, applicants request that the Examiner withdraw all of the outstanding rejections and allow the pending claims.

Respectfully submitted,

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